

**THE STATE OF NEW HAMPSHIRE  
SITE EVALUATION COMMITTEE**

**Docket No. 2015-02**

**APPLICATION OF ANTRIM WIND ENERGY, LLC  
FOR A CERTIFICATE OF SITE AND FACILITY**

**INTERVENOR'S OBJECTION TO APPLICANT'S MOTION FOR PROTECTIVE  
ORDER AND CONFIDENTIAL TREATMENT**

NOW COMES the Allen/Levesque Intervenors ("Intervenors") respectfully submits this Objection to the Antrim Wind Energy, LLC (referred to as "Applicant") Motion for Protective Order and Confidential Treatment of certain information provided to Counsel for the Public relative to data requests made of the Applicant by Counsel for the Public.

1. Counsel for the Public has propounded the following written data requests on the Applicant: PC 1-5 – requesting detailed information on other projects in which Mr. Weitzner, Mr. Manahilov, Ms. Valdovinos, Mr. Shaw, Walden Green Energy, LLC, Walden Renewables, LLC, and RWE Supply & Trading have been involved including the amount invested and the total project cost; PC 1-7 requesting Applicant's pro forma; PC 1-8 – requesting Balance of Plant ("BOP") Contract with Reed & Reed and preconstruction service agreements; PC 1-9 – requesting Reed & Reed's cost estimates; PC 1-10 – requesting Turbine Supply Agreement ("TSA") and Service and Maintenance Agreement ("SMA") with Siemens; PC 1-13 requesting letters of intent, MOU's or other agreements or contracts with financing institutions; and PC 1-15 – requesting information about Power Purchase Agreements ("PPAs").

2. In its Motion for Protective Order and Confidential Treatment, filed on April 15, 2016, Applicant writes that it has placed the information requested by Counsel for the Public, marked confidential, in a sealed envelope and provided it to the Site Evaluation Committee as well as

Counsel for the Public. Applicant purports that this information is commercially sensitive and proprietary and that the disclosure of this information would place AWE and its contracting third parties at a competitive disadvantage and would not serve the public interest. This information has not been made available to intervenors in the Docket or any other parties.

3. The Applicant cites SEC precedent and a court case as reasons why the SEC should grant this motion.

4. Under Site 202.11, the NH SEC rules clearly outline a process by which organizations and individuals can become intervenors in an SEC docket. The petitioner for intervention must “demonstrate[ing] that the petitioner's rights, duties, privileges, immunities or other substantial interests might be affected by the proceeding” (Site 202.11(b)(2)) and thus, if granted, the intervenor is granted full access to the adjudicatory process of the docket, including the right to file motions, cross-examine witnesses, identify witnesses and etc.

The Counsel for the Public has certain responsibilities and rights, as granted under RSA 162-H:9:

“162-H:9 Counsel for the Public. –

I. Upon notification that an application for a certificate has been filed with the committee in accordance with RSA 162-H:7, the attorney general shall appoint an assistant attorney general as a counsel for the public. The counsel shall represent the public in seeking to protect the quality of the environment and in seeking to assure an adequate supply of energy. The counsel shall be accorded all the rights and privileges, and responsibilities of an attorney representing a party in formal action and shall serve until the decision to issue or deny a certificate is final.

II. This section shall not be construed to prevent any person from being heard or represented by counsel; provided, however, the committee may compel consolidation of representation for such persons as have, in the committee's reasonable judgment, substantially identical interests.”

The implication of paragraph II of the statute clearly directs that intervenors be contemplated, allowed and that the fact that the Counsel for the Public is participating in the docket not diminish or discriminate against the rights of intervenors. Applicant, in its Motion for Protective Order and Confidential Treatment of certain information provided to Counsel for the Public is proposing just such discrimination of intervenor rights by not allowing access to this important information. Intervenors cannot do their job properly in representing their interests if not allowed access to all relevant information in the docket.

5. It is for these reasons that the Allen/Levesque Intervenor group requests that the SEC deny Applicant's motion.

6. If Applicant wishes to insure confidentiality of the information that is the subject of their motion and that is now in the possession of the Counsel for the Public and the Committee, then the SEC could simply require that all intervenors interested in obtaining the information be required to sign a confidentiality agreement with the Applicant to obtain the materials.

Respectfully submitted,

A handwritten signature in blue ink that reads "Charles A. Levesque". The signature is written in a cursive, flowing style.

Charles A. Levesque, for the Allen/Levesque Intervenor Group

Dated: April 25, 2016

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Certificate of Service

I hereby certify that, on the date written below, I caused this Motion to be served by electronic mail as provided in NH Administrative Code, Site 202.07, to the Distribution List available on the SEC website for this docket.

A handwritten signature in black ink that reads "Charles A. Levesque". The signature is written in a cursive style with a large, sweeping initial "C".

April 25, 2016

Date:

Charles A. Levesque